

consideration of the case and which probably you will have no difficulty in applying. It remains merely to repeat two or three of the general instructions that were given to you at the time you were sworn into office at the beginning of the term and which should be borne carefully in mind throughout your labors.

The first and, perhaps, most important is, what has already been said in another form above, that in dealing with the question whether to indict or not to indict, you should be guided solely by the sworn evidence that is given before you in the Grand Jury room.

The second is that you should not act in any way under the impression that your function is to try out the case in the last extremity and deem yourselves the ultimate judges of the guilt or innocence of the party or parties accused. An indictment is not a conviction. It is found, if at all, upon evidence given exclusively on behalf of the State; it does not make the defendant guilty of the crime, although, of course, the finding of an indictment would be important upon the question of admitting the parties to bail; but that is another matter. The indictment amounts to no more than this: that it is a declaration by the Grand Jury that their belief in the guilt of the party indicted of the particular crime specified is such that he should be brought to trial for that crime. But, as was said to you at the opening of the term, the defendant comes to that trial with a presumption of innocence and cannot be convicted of a crime by a petit jury unless and until his guilt of it has been proved to the satisfaction of that jury beyond a reasonable